

Congressman Jim McDermott (D-WA)

Statement for the Press

“From the Newsweek Controversy to the Downing Street Memo:
Democratic Forum on Media Bias and the Future of Freedom of Press”

May 24, 2005

“I’d like to call attention to an issue of extreme and growing importance: an alarming trend in the dilution of First Amendment rights regarding freedom of the press. Today reporters are being compelled to reveal their confidential sources—or else face jail time and/or stiff fines. Prosecutors are insisting upon this and judges are backing up their demands by ordering reporters to testify and provide confidential information. This is turning the news media into an investigative arm of the judicial system and a research tool of the government—exactly the opposite of what it is supposed to be. The increasing pressure on journalists will most certainly lead to a decline in investigative reporting, threatening freedom of press and the public’s need, and right, to know.

“This trend is not just talk, although anecdotally, the past few years document the greatest assault on source confidentiality in the U.S. in decades. Hard evidence and more specific statistics are being sought so that this issue can be brought to the attention of the nation without room for dispute. In fact, in an effort to uncover statistics that the government is unwilling to disclose, I have just filed a Freedom of Information (FOI) request to the Department of Justice, asking for access to and copies of records which show the number of subpoenas requested, as well as the number of subpoenas authorized, in order to obtain information from, or about, members of the news media in the years 2001-2004. I believe this information will prove that my concerns with the First Amendment go farther than just anecdotes. As soon as I obtain this information, I will release it to the public, as I feel it will be very eye-opening.

“The protection of freedom of the press is a central pillar of our democracy, and sharing information with the public is imperative in a nation with these strong democratic traditions. Other countries are being sent the wrong message when they look to us and see the precedents that we are setting. For example, when Venezuelan officials were recently criticized for adopting a restrictive new media law, they immediately cited a ruling that sentenced a Rhode Island journalist to six months house arrest for refusing to divulge a source. As is evident from Venezuela, instances such as these are bound to weaken freedom of press in other countries, where reporters are already more frequently forced to cooperate in government investigations. The last thing we need is for international journalists to be questioning our dedication to upholding free speech guaranteed in the U.S. Constitution.

“We must do something to remedy this situation that is making honest journalism and true confidential sources a thing of the past. The administration and judiciary should exercise greater discretion in requiring reporters to reveal their sources so that journalists and every American can regain their confidence in the First Amendment’s protection.”

Congress of the United States
House of Representatives
Washington, DC 20515

May 18, 2005

Office of Information and Privacy
Department of Justice
Suite 570, Flag Building
Washington, DC 20530-0001

FOIA REQUEST
Fee waiver requested
Expedited review requested

Dear FOI Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of records which show the number of subpoenas requested, as well as the number of subpoenas authorized, in order to obtain information from, or about, members of the news media in the years 2001-2004. I would be satisfied by a summary of this information.

Please waive any applicable fees. Release of this information is in the public interest because it will contribute significantly to public understanding of government operations and activities. The protection of the freedom of the press is a central pillar of our democracy, and I believe the data I am seeking is extremely important to our society.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

Please provide expedited review of this request which concerns a matter of urgency. As a member of the United States House of Representatives, I am primarily engaged in disseminating information or releasing information for dissemination by the news media. I certify that my statements concerning the need for expedited review are true and correct to the best of my knowledge and belief.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance. If you have any questions, please contact Anne Bettsworth of my staff at 202.225.3106.

Sincerely,



Jim McDermott
Member of Congress